

UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

United States of America
v.

Zhekai Xu
Renxiang Guan
Haoming Zhu
Jingzhe Tao
Yi Liang

Case No. Case: 2:24-mj-30419
Assigned To : Unassigned
Assign. Date : 10/1/2024
Description: CMP USA V. XU ET AL
(DJ)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 2023 - March 2024 in the county of Wayne in the
Eastern District of Michigan, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. §1001	False statements
18 U.S.C. § 371	Conspiracy
18 U.S.C. §1519	Destruction, alteration, or falsification of records in federal investigations

This criminal complaint is based on these facts:

See attached Affidavit

☒ Continued on the attached sheet.

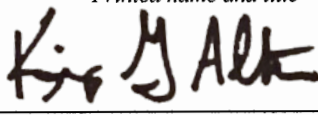
Sworn to before me and signed in my presence
and/or by reliable electronic means.

Date: October 1, 2024

City and state: Detroit, MI


Complainant's signature

Caroline Colpoys, SA, FBI
Printed name and title


Judge's signature

Kimberly Altman, United States Magistrate Judge
Printed name and title

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A CRIMINAL COMPLAINT**

I, Caroline Julee Colpoys, hereinafter referred to as the Affiant, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application for a criminal complaint and arrest warrants charging Zhekai Xu (“XU”), Renxiang Guan (“GUAN”), Haoming Zhu (“ZHU”), Jingzhe Tao (“TAO”), and Yi LIANG (“LIANG”) (collectively, the “SUBJECTS”) with violations of 18 U.S.C. § 1001 (false statements), 18 U.S.C. § 371 (conspiracy), and 18 U.S.C. § 1519 (destruction, alteration, or falsification of records in federal investigations), related to false statements and misrepresentations made about their trip to Grayling, Michigan, in August 2023, during the U.S. National Guard exercise termed “Northern Strike.”

2. I am a Special Agent with the Federal Bureau of Investigation (FBI) and have been since June 2023. I received law enforcement training at the FBI Academy in Quantico, Virginia, as well as additional training and courses in counterintelligence investigations and operations. I am currently assigned to the FBI’s Counterintelligence Division at the Detroit Field Office. The FBI’s Counterintelligence Division is responsible for exposing, preventing, and investigating ongoing national security threats from foreign intelligence services and other intelligence activities within the United States. My previous career at the

Department of Energy Office of Intelligence and Counterintelligence was also dedicated to working counterintelligence investigations. I have also gained experience in and knowledge of criminal investigations through formal and informal training, in consultation with other members of the U.S. federal law enforcement community, and by conducting surveillance, serving subpoenas, collecting and analyzing evidence, assisting on arrest warrants, writing and executing search warrants, and conducting interviews.

3. The facts in this affidavit come from my work on the investigation described herein, as well as information obtained from other agents and/or witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested criminal complaint and arrest warrant and does not set forth all my knowledge about this matter.

EXECUTIVE SUMMARY

4. During the early morning hours of August 13, 2023, between approximately 12:30 AM and 1:00 AM, the SUBJECTS were found at a boat launch on Bear Lake at Camp Grayling, a military installation, in Grayling, Michigan (the “Grayling Military Installation”). This encounter happened during Northern Strike, one of the largest U.S. National Guard training exercises held in the United States, which included U.S. military personnel from across the United States and, in August 2023, members of the Taiwanese military. The SUBJECTS

were encountered by an active and uniformed member of the Utah National Guard, a Sergeant Major (the “SGM”), while standing in close proximity to numerous military vehicles, tents, and classified communications equipment. The SUBJECTS had cameras and told the SGM they were taking pictures. The SUBJECTS quickly departed the area after being directed to leave by the SGM and checked into a Super 8 motel also located in Grayling, Michigan.

5. A December 2023 border search of GUAN’s digital media showed photographs of the Grayling Military Installation, including military vehicles and other equipment. The device data showed that the photographs had been taken during the time that live firing exercises were taking place, approximately two hours before the SGM encountered the SUBJECTS. GUAN, who was interviewed in December 2023 by U.S. Customs and Border Protection (CBP) (“GUAN’s December interview”), did not mention the encounter with the SGM at all and denied ever having any interaction with the U.S. military.

6. In March 2024, the FBI interviewed the other SUBJECTS—XU, ZHU, LIANG, and TAO (the “March Interviews”). These SUBJECTS each confirmed that a man had approached them while they were at the campground supposedly taking pictures of the stars and that GUAN was with them when it happened. ZHU and TAO each referred to this man as “the soldier.” XU and LIANG described the man as a camper, or simply a “nice guy,” or friendly. Neither

XU, ZHU, LIANG, nor TAO said that the man had told them to leave. All four claimed they left the area on their own. XU, ZHU, LIANG, and TAO also claimed that the stop at Bear Lake and the decision to check into a Super 8 Motel after the encounter with the SGM were not preplanned in any way. Instead, they claimed these decisions were hasty and random, and each of XU, ZHU, LIANG, and TAO insisted that the Super 8 Motel was reserved after the encounter with the SGM. But, Super 8 Motel records reviewed by the FBI showed that XU reserved a room at the motel on August 4, 2023, approximately a week before the encounter at the Grayling Military Installation. An interview with XU's roommate and WeChat messages found on the SUBJECTS' electronic devices revealed that they had discussed their encounter with the soldier and the fact that there was a military base in Grayling.

7. Based on the months that passed between GUAN's December interview and the March interviews, the content of the accounts given and the nervous demeanor of the SUBJECTS during the March interviews, and the content of WeChat messages found on the SUBJECTS' electronic devices, the SUBJECTS appear to have coordinated their statements regarding the incident and discussed the deletion of photos from their electronic devices to prevent them being seen by law enforcement.

BACKGROUND

Background on Chinese Nationals Trespassing on Military Installations

8. According to the Annual Threat Assessment of the U.S. Intelligence Community published by the Office of the Director of National Intelligence in February 2024,¹ “The PRC [People’s Republic of China] combines its economic heft with its growing military power and its diplomatic and technological dominance for a coordinated approach to strengthen Chinese Communist Party (CCP) rule, secure what it views as its sovereign territory and regional preeminence, and pursue global power. In particular, Beijing uses these whole-of-government tools to compel others to acquiesce to its preferences, including its assertions of sovereignty over Taiwan.”

9. Additionally, recent cases demonstrate that PRC national university students have taken photographs of vital defense installations in the United States. For instance, in 2020, two University of Michigan students, who were Chinese nationals and roommates and claimed to be visiting a national park, were found on Naval Air Station Key West taking photos of military and naval infrastructure during their winter break from school. They were convicted in the Southern District of

¹ See [ATA-2024-Unclassified-Report.pdf \(dni.gov\)](#)

Florida of illegally photographing military installations and sentenced to prison terms.²

10. Similarly, on or about February 1, 2024, a criminal information was filed in the Eastern District of Virginia charging Fengyun Shi, a Chinese national studying at the University of Minnesota, with multiple counts of violating 18 U.S.C. §§ 795 and 796 for allegedly using a drone to photograph multiple vital defense installations in the form of shipyards building naval vessels in January 2024. In or about July 2024, Shi pleaded guilty to two counts of 18 U.S.C. § 796.

Background on the Grayling Military Installation

11. Located in Grayling, Michigan, the Grayling Military Installation is the largest National Guard training facility in the United States. It encompasses 148,000 acres of training land and approximately 130 square miles of restricted airspace. Most of the Grayling Military Installation is owned by the Michigan Department of Natural Resources and leased to the Michigan National Guard on a long-term basis. The Grayling Military Installation hosts both the winter and summer sessions of exercise Northern Strike, a military readiness exercise

² See <https://www.justice.gov/usao-sdfl/pr/three-chinese-nationals-sentenced-prison-illegal-photography-us-naval-installation-key> and <https://www.mlive.com/news/ann-arbor/2020/06/former-university-of-michigan-students-get-prison-for-taking-photos-on-restricted-florida-naval-base.html>

sponsored by the National Guard Bureau. The 2023 summer iteration of Northern Strike took place from August 5-19, 2023, and included about 7,000 participants, including international participants from Taiwan. According to the U.S. Army Colonel in charge of the Grayling Military Installation, Taiwanese participation was made public prior to Northern Strike 2023 through the Office of the Secretary of Defense. Throughout the exercise, the Grayling Military Installation's social media coordinator disseminated weekly reports on Facebook and Instagram to make the public aware of where and when live fire exercises would occur.

12. During Northern Strike exercises, the ranges being used for training are "checked out" or reserved by a National Guard unit through the Range Facility Management Support System, which is controlled by the U.S. Army. When a range is "checked out," that means that firing exercises, including artillery, are scheduled to be conducted at that range during a specified period of time. Units checking out a range are responsible for force protection during the exercise.

13. From August 8-13, 2023, a training area in the Grayling Military Installation called FP302, which is adjacent to a body of water called Bear Lake,³

³ There are several "Bear Lakes" in Michigan. References to Bear Lake in this affidavit refer to the lake located at the following approximate coordinates: 44.79, -84.62. *See* <https://www.google.com/maps/place/Grayling,+MI+49738/@44.7925939,->

was maintained by a unit from the Utah National Guard. This training area was used for live fire exercises on August 12, 2023, from 7:53 AM to 10:42 AM and again from 11:11 AM through approximately midnight. The tactical operations center (TOC) for this Utah National Guard unit was located near Bear Lake. The TOC contained classified communications systems, housed multiple vehicles and Humvees, and was encompassed by caution tape, which was wrapped around vehicles near the Bear Lake boat launch.

PROBABLE CAUSE

Encounter at Bear Lake

14. On August 13, 2023, between approximately 12:30 AM and 1:00 AM, during the Northern Strike exercise, a Sergeant Major (SGM) with the Utah National Guard unit in charge of FP302 and stationed at the TOC heard noises and saw headlamps near Bear Lake. The SGM walked toward the lake and encountered five men of Asian descent who were dressed in civilian clothing. The SGM could see the SUBJECTS clearly because the SGM and several of the SUBJECTS were using headlamps.

15. The SGM described the five men as follows:

84.6224239,15.79z/data=!4m6!3m5!1s0x88201149920433d9:0x5ab91aeeab0c3c3f!8m2!3d44.6614039!4d-84.7147512!16zL20vMHY0cDM?entry=ttu

- a. Subject 1 held a green sleeping mat. He had long black hair, glasses, and a backpack.
- b. Subject 2 stood next to Subject 1. He wore a white hat and held a camera.
- c. Subject 3 also had long hair and was a little chubbier than the rest.
- d. Subject 4 was shorter. He had short black hair and acne scars on both cheeks.
- e. Subject 5 stood in the dark without a headlamp.

16. The SUBJECTS stood near the boat launch. When questioned, they said they were taking pictures. When the SGM asked what they were photographing, Subject 1 replied, "We are media." The SGM asked if they were with the Taiwanese, and Subjects 2 and 4 responded that "We're Chinese." The SGM firmly told them they had to leave, that they should not be there because there were soldiers and equipment around. The group promptly gathered their things and walked quickly towards the road, and away from the TOC. The SGM followed the group until he was satisfied that they were leaving the area.

17. According to the SGM, the SUBJECTS wore mostly dark clothing. They sometimes spoke as a group, but when they did not, two "ringleaders" answered. One of the "ringleaders" had acne scars on his face (believed to be Subject 4), and the other had longer hair and a white hat (believed to be Subject 2).

18. Affiant reviewed surveillance videos from August 13, 2023, further described below. Affiant also witnessed CBP's interview of GUAN on December 18, 2023. On March 3, 2024, Affiant interviewed XU and LIANG, while other agents interviewed TAO and ZHU. On April 9, 2024, Affiant interacted with all five SUBJECTS during the execution of a search warrant. Based upon these instances, the appearance of the men (Subjects 1-5) on the August 13, 2023 surveillance video is consistent with XU, GUAN, ZHU, TAO, and LIANG.

19. According to the SGM, the TOC was surrounded by caution tape and had signage in place, including signs indicating no through traffic, do not enter, and troops passing. The TOC was full of tents, antennae, satellite dishes, vehicles, and generators. All of this TOC equipment was visible from the location where the SGM encountered the SUBJECTS. The SGM's unit stopped firing at midnight, but other nearby units kept firing past midnight. Another firing battery was about 300-400 feet away along the lake. During live firing, the area was very noisy. Much of the field where the SGM's unit was set up was filled with military equipment, including several Humvees and trailers, a bus, an LMTV (a Light Medium Tactical Vehicle), vans, cars, and tents. Most of the vehicles were "military-colored" and marked, and the closest vehicle to where the SUBJECTS were encountered at the boat launch was about 15 feet away. From where the SGM encountered the SUBJECTS, there were

soldiers sleeping close by. According to the SGM, the military activity was obvious in the area where he encountered the SUBJECTS.

20. The SGM reported this incident to Camp Grayling Range Control Office. Later that morning, local law enforcement canvassed the local hotels in Grayling, Michigan, with descriptions of the SUBJECTS given by the SGM. Local law enforcement received information from staff at the Super 8 Motel at 5828 Nelson A Miles Parkway, Grayling, Michigan 49738 that five individuals matching the SGM's description had checked into the hotel that morning. The manager of the Super 8 Motel later provided the FBI with hotel security footage of the parking lot and lobby of the motel. That video shows five Asian males checking into the Super 8 on August 13, 2023, at approximately 1:59 AM and checking out at approximately 11:00 AM on August 13, 2023. I have reviewed this video and verified the five men in the video as the SUBJECTS. Super 8 motel records show that on August 4, 2023, XU booked a room at the Super 8 in Grayling for August 12, 2023, more than a week before the SGM encountered the SUBJECTS at Bear Lake.

Identification of XU, GUAN, ZHU, TAO, and LIANG

21. Analysis of XU's phone records and financial transactions via Zelle (a digital payments network) led me to believe that GUAN, TAO, ZHU, and LIANG were close associates and frequent travel companions of XU. Comparison of the

Super 8 video with photos of these individuals confirmed that these four were the previously unknown individuals with XU in Grayling.

22. The SUBJECTS are all Chinese nationals and were undergraduate students at the University of Michigan (UM) as part of UM's joint program with Shanghai Jiao Tong University (SJTU), which is located in Shanghai, a city in the PRC, until their graduation in May 2024. This program involves studying for two years at SJTU and two years at UM. The SUBJECTS arrived in the United States to begin their studies at UM in August 2022 and departed after their graduation in May 2024.

23. Airbnb records showed that, on July 26, 2023, ZHU booked an Airbnb in Newberry, Michigan, from August 11-13, 2023. According to Google maps, Newberry is approximately 340-350 miles from Ann Arbor.

24. According to Michigan motor vehicle registration records, XU owns a 2018 Nissan Sentra. Despite owning his own vehicle, Enterprise rental records show that XU rented a black Dodge Charger from their location at the Detroit Metropolitan Airport (DTW) from August 11-14, 2023. XU picked up the vehicle at 6:52 AM on August 11 and returned it at 6:32 AM on August 14. The vehicle accumulated 1,021 miles on its odometer during this time.

CBP Inspection of GUAN

25. On or about December 18, 2023, GUAN arrived at DTW to board Delta flight 159 to Seoul, South Korea en route to Shanghai, PRC. Prior to his departure, GUAN was inspected by U.S. Customs and Border Protection (CBP) officers. CBP officers conducted a border search of GUAN's person and luggage and found the following items: an Apple cellphone, a OnePlus Cellphone, an external hard drive, an Apple laptop, an Asustek laptop, a tablet, and a digital camera/video camera, which are currently in possession of CBP.

26. During the inspection, CBP officers conducted a basic search of these devices and asked GUAN about his travel within the United States. GUAN stated he had not traveled much within the United States, except for trips to Arizona or Utah. He was asked if he had gone sightseeing in Michigan. He told CBP officers that he had taken a trip to northern Michigan with classmates in mid-August 2023 to see shooting stars, but he was unable to recall where they went and stated they had planned to stay two nights at an Airbnb but stayed only one night. GUAN further stated that they stopped on their way back to Ann Arbor, but he was unable to provide any information about where the SUBJECTS stopped.

27. GUAN stated he used a 24mm lens and a Sony camera to photograph the stars and showed CBP officers a picture on his Apple cell phone, captioned "Muskallonge State Park" in McMillan Township, Michigan, which is located near

Newberry, Michigan. The photo he presented on his telephone showed it was taken on August 13, 2023.

28. GUAN said he went stargazing with his classmates: LIANG, ZHU, and XU. He failed to mention TAO.

29. GUAN told CBP that he did not have any interactions with U.S. military, government, or law enforcement. CBP detained the devices in GUAN's possession to continue the border search of the devices. CBP provided a copy of two images from GUAN's external hard drive showing military vehicles on the media storage device taken the night of August 12, 2023, by a Sony camera.

30. According to the metadata associated with these pictures, both were taken with a Sony camera on August 12, 2023. The first photograph was taken at approximately 22:42:52, or 10:42 PM and the second was taken approximately 22:47:35, or 10:47 PM, approximately two hours before the SGM encountered the SUBJECTS.

Interviews of XU, TAO, ZHU, and LIANG

31. On March 3, 2024, FBI agents interviewed XU, TAO, ZHU, and LIANG, separately, at Chicago O'Hare International Airport after they disembarked from Icelandair flight 853. These interviews addressed their trip to northern Michigan in August 2023. All four men were advised during the course of their interviews that it is a federal offense to lie to federal agents.

32. XU, TAO, ZHU, and LIANG each acknowledged that they, along with GUAN, had taken a trip to the Upper Peninsula of Michigan (UP) in August 2023 (the “August 2023 UP Trip”) to see a meteor shower.⁴ Their accounts of the August 2023 UP Trip aligned in certain ways and they each said, roughly, that: (1) they took two cars to northern Michigan, a car belonging to LIANG and a rental car reserved by XU; (2) they had planned to stay two nights in the UP but left a night early because poor weather conditions made it impossible for them to see the meteor shower;⁵ (2) they stopped at a gas station in the Lower Peninsula of Michigan on their way back; (3) they realized that the weather conditions were more favorable there and drove to a nearby “campground” to view the stars and take pictures; (4) they found a hotel nearby to stay the night because they were too tired to drive all the way back to Ann Arbor; and (5) they stated that each of the SUBJECTS had a camera of his own and took pictures at the “campground.”

33. But there were notable discrepancies and conflicts with one another in the following areas:

⁴ According to an open source review, the Perseid meteor shower was active from July 17, 2023, through August 24, 2023, with its peak happening around August 11-13.

⁵ Historic weather data from Newberry, Michigan, on August 12, 2023, available online confirms that conditions were cloudy with scattered rain showers.

- a. Method of finding the campground/Bear Lake: XU, TAO, and ZHU said they found Bear Lake by using Google Maps. XU said they searched for campgrounds in Google Maps and picked the first one that came up. TAO said they looked in Google Maps for a place close by and near a body of water. ZHU said they used Google Maps to find a place nearby with no light pollution. LIANG said that the group drove away from the gas station until they reached a campground, which he knew was a campground because he saw RVs. A search for campgrounds in Google Maps conducted on March 14, 2024, revealed no marked campground around Bear Lake. Results yielded several state-run campgrounds nearby such as Jones Lake Forest State Campground (approximately 2.5 miles from Bear Lake) and Hartwick Pines State Park Campground (approximately 7 miles away).
- b. Encounter with the SGM: XU, ZHU, LIANG, and TAO all acknowledged that a man had approached them while they were taking pictures of the stars at the campground. ZHU and TAO referred to this man as “the soldier,” while XU and LIANG described him as a camper or simply a “nice guy” who seemed friendly. None of them said the man had told them to leave. All claimed they left the area on their own. TAO said the soldier was wearing a uniform and told them

he was camping. TAO also said that he was so shaken up by this experience with the soldier that he wrote a post about it on a Chinese social media site similar to Instagram (translated to “Little Red Book”) after the trip. This post included a Google Map screenshot of Bear Lake and some photos he had taken at Bear Lake. TAO said that he removed this post around December 2023 at his mother’s suggestion that it was not a good idea to post military-related things. He said that he discussed being scared by the soldier with the group, that they thought they were in trouble, and that they told some of their close friends about the encounter.

- c. Direction of Cameras and Sharing of Photos: TAO said they initially trained their cameras away from the lake, to the north (where the military vehicles, tents/structures, and equipment were located) but realized the photos were not very good and therefore turned the cameras around to face the lake to the south. LIANG said no one took photos facing the forest to the north. XU said that he only focused his camera on the lake and sky and that they didn’t look at each other’s photos afterward. LIANG said that they looked at each other’s photos on one another’s cameras afterward and that everyone took photos facing the lake.

- d. Live Firing Exercises: ZHU said he saw no indication of military activity other than the one soldier, which he did not find to be interesting. TAO described hearing loud sounds like hunting or fireworks to the north accompanied by bright lights. XU also described seeing fireworks-like lights. LIANG said he heard very loud fireworks and bright light and that he thought people were celebrating something.
- e. Time Spent at Bear Lake: XU said they were at the campground for 2 hours. TAO said they were there for several hours. LIANG said they were there for 20 minutes. ZHU said they were there for about half an hour.
- f. Presence of Other People and Vehicles: LIANG said that he saw people camping in tents and RVs at the campground. XU, ZHU, and TAO denied seeing anyone other than the soldier/nice man they encountered. XU said that he saw no vehicles, and ZHU said that he saw no military vehicles. TAO said they saw some lights, potentially belonging to another car, at the other end of the campground, but they did not see any military vehicles or equipment.
- g. Planning of the Trip: XU, TAO, and LIANG said that no one person had planned the trip or made the decisions about where to go; rather,

they said all decisions were made as a group. ZHU said that TAO was the one making the decision about where to go; upon being confronted with this statement, TAO said ZHU probably said that because TAO was the one with applications for checking weather and sky conditions, which they used to guide their trip, on his phone.

- h. Guan's Absence from the Iceland Trip: According to CBP records and FBI interviews with the SUBJECTS, GUAN was supposed to go on the trip to Iceland with XU, TAO, LIANG, and ZHU but did not. XU said that GUAN did not go on the trip because GUAN had an interview for a PhD program. LIANG said that GUAN did not go to Iceland because he did not want to get "checked" by CBP again. ZHU said that GUAN did not go to Iceland because he did not have his camera (potentially the GoPro camera detained by CBP in December 2023).

34. XU, LIANG, ZHU, and TAO all described their stop at the campground (Bear Lake) as a random, unplanned/last-minute decision made during their return trip from the UP. Collectively, they stated that:

- a. they intended to stay in the UP for the weekend and had rented an Airbnb for two nights (August 11-13), but poor weather conditions in the UP caused them to cut their trip short;

- b. they departed the UP on the afternoon of August 12 with the intent of returning to Ann Arbor;
- c. they stopped at a gas station after crossing the Mackinac Bridge and realized that the weather conditions had improved;⁶
- d. they decided to find a spot near a lake where there was little/no light pollution so they could view the meteor shower (XU, ZHU, and LIANG did not specifically identify the location, but TAO identified it as Bear Lake);
- e. they realized they were too tired to continue driving back to Ann Arbor after photographing the stars;
- f. XU looked for a hotel with a room available and called the Super 8 to make a reservation; and
- g. no advance reservation was made for the room.

False statements

35. Super 8 motel records show that on August 4, 2023, more than a week before the SGM encountered the SUBJECTS at Bear Lake, XU booked a room at

⁶ According to Google maps, the distance between Newberry, MI and Grayling, MI is approximately 150 miles. Grayling, Michigan is approximately 90 miles from the Mackinac Bridge.

the Super 8 in Grayling for August 12, 2023. On March 15, 2024, after the interviews with XU, LIANG, ZHU, and TAO, the manager of the Super 8 motel in Grayling verified the accuracy of the hotel's records and confirmed that XU reserved the room on August 4, 2023. During their FBI interviews, XU, LIANG, TAO, and ZHU all insisted that no advance reservation was made for the room at the motel. XU, LIANG, TAO, and ZHU each said that XU called the motel to make the reservation early on the morning of August 13, 2023, after they decided they were too tired to drive all the way back to Ann Arbor. Affiant therefore believes they made materially false, fictitious, or fraudulent statements or representations about not having a room reserved at the Super 8 prior to August 13, 2023.

36. As previously described, CBP found photos showing military vehicles from the night of August 12, 2023, on Guan's phone. The SGM reported that the TOC and the military equipment within it were clearly visible from the location where he encountered the SUBJECTS. According to the SGM, it would have been very obvious that there was military activity occurring. During his interview with CBP, GUAN omitted his encounter with the SGM from his description of the trip and denied ever having any interaction with the U.S. military, though he acknowledged stopping somewhere on the way back to Ann Arbor. And in March 2024 XU, LIANG, TAO, and ZHU each said that GUAN was with them at Bear Lake.

37. During their interviews with the FBI, TAO and ZHU were asked if they saw military vehicles, and if they took pictures of military vehicles. Both denied taking any photos of military vehicles and denied seeing any military vehicles. Based on the foregoing, Affiant has probable cause to believe TAO and ZHU made materially false, fictitious, or fraudulent statements or representations about seeing no military vehicles near Bear Lake.

38. During their interviews with CBP, XU and LIANG were asked if they ever had an interaction with the US military, and both denied ever having such an interaction. XU was asked this again during his interview with the FBI and again denied it. ZHU, XU, and LIANG also could not remember the name of the place or campground where they had stopped. However, in an interview with one of Xu's roommates (Ruiqi Niu) on April 9, 2024, Niu told FBI agents that he remembered XU and his friends talking about their interaction with a soldier and about how a "military man" approached them after they heard noises like fireworks.

39. Furthermore, a WeChat (a Chinese app that can be used for group chats similar to WhatsApp) group chat from LIANG's phone, which included XU, LIANG, TAO, ZHU, and GUAN, contained messages (translated from Mandarin to English using a machine translation tool and verified by an FBI language specialist) from December 24, 2023, about the group's trip to Northern Michigan. The messages were prompted by GUAN revealing that he had been inspected by

CBP and asked about the trip. When discussing the location of interest, both XU and TAO mentioned Bear Lake, and XU even said, “Yes, the base is at Bear Lake.” When discussing how CBP knew they were the individuals at Bear Lake, TAO said, “Theoretically, if the soldier had a camera, he can know who we are.” Based on the foregoing, Affiant has probable cause to believe XU and LIANG made materially false, fictitious, or fraudulent statements or representations about having no interactions with the US military.

40. The SGM stated that he firmly told the group to leave and that they should not be there because there were soldiers and equipment around. In fact, the SGM told them to “get the F*** out of there” and observed as the SUBJECTS promptly gathered their things and walked quickly away from the TOC. During their interviews with the FBI, XU and LIANG described this confrontation with the Sergeant Major as an interaction with a “camper.” XU, LIANG, TAO, and ZHU all denied that the SGM told them to leave or made them feel as though they should not be there. Affiant therefore believes the XU, LIANG, TAO, and ZHU each made materially false, fictitious, or fraudulent statements or representations about their interaction with the SGM.

41. As previously described, the accounts given by XU, LIANG, TAO, and ZHU in March aligned in general but had discrepancies in the details. TAO said that when they got to the Super 8, they all talked about the presence of the soldier at Bear

Lake, did some research on the area, and found out about the Grayling Military Installation as a result. TAO also stated that the encounter with the soldier scared him and that they discussed it afterwards and told friends and family about the incident. This account was supported by digital evidence found on LIANG's phone indicating that, on August 13, 2023, he had searched "bear lake Michigan us army" on Google and accessed an article about the expansion of the Grayling Military Installation.

42. ZHU, on the other hand, stated that he did not tell anyone about the interaction with the soldier and claimed that there was no reason to do so because the event was not an "interesting thing." XU claimed that his friends would all say the same thing XU was saying.

43. WeChat messages from the group of the SUBJECTS also include messages on December 24-25, 2023 (the December 24-25 WeChat), in which the SUBJECTS discussed clearing photos from their cameras and phones and having others carry their electronics and cameras on the trip to Iceland. The December 24-25 WeChat group chats contained each of the SUBJECTS according to the group chat information on LIANG's phone. The messages in the December 24-25 WeChat were sent after GUAN informed LIANG, ZHU, XU, and TAO that CBP had stopped GUAN on his return to China and asked GUAN about the SUBJECTS' trip to Northern Michigan. In the December 24-25 WeChat, TAO wrote "Let someone else

take care of the electronic equipment then [meaning on the trip to Iceland].” GUAN replied, “Clear all cameras,” and XU wrote “You can’t clear your phone. It shouldn’t be a big problem if you keep some normal photos.” XU then wrote, “It feels like our cameras and everything else really have to be carried by shh [likely Haohong Shang]⁷ and others.” GUAN then wrote and directed LIANG, who was then returning from a trip to Peru, to “delete all messages from the group chat before crossing the border so that they would not think we are colluding.” LIANG subsequently removed himself from the December 24-25 WeChat group. Nonetheless, the December 24-25 WeChat was archived on LIANG’s phone. When the phones of GUAN, XU, ZHU, and TAO were manually examined, there was no evidence of the December 24-25 WeChat or the WeChat group with the SUBJECTS. WeChat is an application that maintains information in the application across devices. So, the December 24-25 WeChat or the WeChat group should have been on the phones of GUAN, XU, ZHU, and TAO unless it was deleted. Based on this evidence, it is reasonable to believe that GUAN, XU, ZHU, and TAO deleted the WeChat group from their phones.

⁷ The initials “shh” likely represent Haohong Shang, XU’s other roommate, because “shh” are Haohong Shang’s initials in Mandarin (where the surname comes first—here “s” for Shang, followed by “hh” for Haohong).

44. Affiant therefore believes that the SUBJECTS discussed their encounter with the SGM at Bear Lake, attempted to coordinate their accounts of what happened so that the stories would match if any of them were questioned in the future, and deleted potentially incriminating photos from their phones and cameras to preclude law enforcement from finding them.

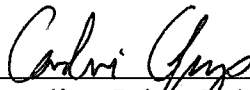
CONCLUSION

45. Based on the forgoing, there is probable cause to believe that Renxiang GUAN violated 18 U.S.C. § 1001 (false statements) during a CBP interview on December 18, 2023, Zhekai XU and Yi LIANG violated 18 U.S.C. § 1001 (false statements) during interviews with CBP and FBI on March 3, 2024, Haoming ZHU and Jingzhe TAO violated 18 U.S.C. § 1001 (false statements) during interviews with the FBI on March 3, 2024, and Zhekai XU, Renxiang GUAN, Haoming ZHU, Jingzhe TAO, and Yi LIANG violated 18 U.S.C. § 1519 (destruction, alteration, or falsification of records in federal investigations).

46. There is also probable cause to believe that XU, LIANG, GUAN, TAO, and ZHU violated 18 U.S.C. § 371 (conspiracy) in their attempts to coordinate their stories to law enforcement and to delete incriminating photos of their time at Bear Lake. Affiant requests that the Court issue a criminal complaint and arrest warrants charging Zhekai XU, Renxiang GUAN, Haoming ZHU, Jingzhe TAO, and Yi LIANG for violations of 18 U.S.C. § 1001 (false statements), 18 U.S.C. § 371

(conspiracy), and 18 U.S.C. § 1519 (destruction, alteration, or falsification of records in federal investigations).

Respectfully submitted,



Caroline Julie Colpoys
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me in my presence and/or by reliable electronic means on October 1, , 2024



Honorable Kimberly G. Altman
UNITED STATES MAGISTRATE JUDGE